

IN THE DISTRICT COURT OF GUAM
TERRITORY OF GUAM
CRIMINAL MINUTES
SENTENCING

FILED
DISTRICT COURT OF GUAM

OCT 28 2005

MARY L.M. MORAN
CLERK OF COURT

CASE NO. CR-03-00032

DATE: 10/27/2005

HON. WILLIAM ALSUP, Designated Judge

Court Reporter: Wanda Miles

Hearing Electronically Recorded: 8:10:13 - 10:02:55

Law Clerk: K. Walmsley / J. Moton

Courtroom Deputy: Virginia T. Kilgore

CSO: N. Edrosa / P. Tajeron

***** APPEARANCES *****

DEFT: THOMAS V.C. TANAKA

(X) PRESENT () CUSTODY (X) BOND () P.R.

ATTY : LOUIE YANZA

(X) PRESENT (X) RETAINED () FPD () CJA APPOINTED

U.S. ATTORNEY: JEFF STRAND

AGENT: TAI LEE, I.R.S. / RICK FUENTES,
DEPARTMENT OF HOMELAND SECURITY

U.S. PROBATION: CARLEEN BORJA / MARIA CRUZ

U.S. MARSHAL: S. LUJAN / F. TAITAGUE / J. CURRY

INTERPRETER: _____

LANGUAGE: _____

(X) COURT STATES THE APPROPRIATE BASE OFFENSE LEVELS _____

Base offense level: 10

Total offense level: _____

Criminal History Category: I

NO OBJECTIONS BY THE GOVERNMENT AND DEFENSE

(X) ATTORNEY FOR DEFENDANT ADDRESSES THE COURT:

Requested the Court to impose a sentence at the low end of the guidelines.

(X) DEFENDANT ADDRESSES THE COURT AND APOLOGIZES

(X) GOVERNMENT ADDRESSES THE COURT AND MAKES ITS RECOMMENDATION:

Held no position on sentencing and deferred to the Court for imposition.

() LETTER(S) OF RECOMMENDATION RECEIVED BY THE COURT

NOTES/OTHER MATTERS:

(X) DEFENDANT SENTENCED TO PROBATION FOR A TERM OF TWO YEARS.

THE TERM OF PROBATION WILL INCLUDE THE FOLLOWING CONDITIONS:

1. DEFENDANT SHALL PARTICIPATE IN A SIX MONTH HOME CONFINEMENT PROGRAM WHICH WILL INCLUDE ELECTRONIC MONITORING. DEFENDANT IS RESTRICTED TO HIS HOME AT ALL TIMES EXCEPT FOR EMPLOYMENT AS APPROVED BY THE U.S. PROBATION OFFICE, ATTORNEY VISITS, MEDICAL, RELIGIOUS SERVICES AND TO CONDUCT SPEECHES.
2. DEFENDANT SHALL NOT TRAVEL WITHOUT THE PERMISSION OF THE U.S. PROBATION OFFICE.
3. DEFENDANT SHALL DURING THE FIRST YEAR OF PROBATION GIVE AT LEAST ONE SPEECH TO A TOTAL AUDIENCE OF AT LEAST 200 PEOPLE. THE PROBATION OFFICER MUST BE PRESENT AT THE SPEECH.
4. DEFENDANT SHALL PERFORM 200 HOURS OF COMMUNITY SERVICE UNDER THE DIRECTION OF THE U.S. PROBATION OFFICE WITH CREDIT FOR SPEECHES CONDUCTED.
5. DEFENDANT SHALL NOT UNLAWFULLY POSSESS A CONTROLLED SUBSTANCE AND SHALL REFRAIN FROM ANY UNLAWFUL USE OF A CONTROLLED SUBSTANCE. THE MANDATORY DRUG TESTING CONDITIONS IS HEREBY SUSPENDED UNLESS RECOMMENDED BY THE U.S. PROBATION OFFICE.
6. DEFENDANT SHALL SUBMIT TO THE COLLECTION OF A DNA SAMPLE AT THE DIRECTION OF THE U.S. PROBATION OFFICE.
7. DEFENDANT SHALL COMPLY WITH THE STANDARD CONDITIONS OF PROBATION AS SET FORTH BY THE U.S. SENTENCING COMMISSION AND UNDER 18 U.S.C. § 3563.
8. DEFENDANT SHALL BE PROHIBITED FROM POSSESSING A FIREARM, DANGEROUS WEAPONS OR AMMUNITION.
9. DEFENDANT SHALL BE PROHIBITED FROM INCURRING NEW CREDIT CHARGES OR OPENING ADDITIONAL LINES OF CREDIT WITHOUT APPROVAL OF THE U.S. PROBATION OFFICE UNLESS HE IS IN COMPLIANCE WITH THE PAYMENT SCHEDULE.
10. DEFENDANT SHALL PROVIDE THE U.S. PROBATION OFFICE ACCESS TO ANY REQUESTED FINANCIAL INFORMATION.

IT IS FURTHER ORDERED THAT THE DEFENDANT PAY TO THE UNITED STATES A FINE OF \$2,000.00 AND A SPECIAL ASSESSMENT FEE OF \$100.00 TO BE PAID IMMEDIATELY AFTER SENTENCING.

COURT STATES THE JUSTIFICATION OF SENTENCE IMPOSED. DEFENDANT ADVISED OF HIS APPEAL RIGHTS.

TIME ENDED: 10:02 A.M.